

Senate File 46

SENATE FILE _____
BY BOLKCOM

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to Iowa national pollutant discharge elimination
2 system program signage and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1612XS 83
5 tm/nh/8

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1 1 Section 1. NEW SECTION. 455B.189 DISCHARGE POINT SIGNS.
1 2 1. A person holding an Iowa national pollutant discharge
1 3 elimination system program permit issued by the department
1 4 shall post or erect a conspicuous and legible sign of not less
1 5 than eighteen inches by twenty-four inches at all points of
1 6 discharge to surface waters. The location of the sign on the
1 7 property of the permit holder shall be as close in proximity
1 8 to the point of discharge into the surface water as is
1 9 reasonably possible while ensuring the maximum visibility from
1 10 the surface water and shore.
1 11 2. At a minimum, the sign shall include all of the
1 12 following:
1 13 a. A statement containing the words "Iowa state permitted
1 14 discharge point permit no. (insert permit number). For
1 15 information on this discharge you can contact: (insert contact
1 16 information)".
1 17 b. The Iowa national pollutant discharge elimination
1 18 system program permit number issued by the department.
1 19 c. The name and telephone number of the permit holder
1 20 which shall be the business office repository of the permit
1 21 holder.
1 22 3. A permit holder shall provide for public review, at the
1 23 business office repository of the permit holder or at an
1 24 off-premises location of the permit holder's choice, all
1 25 discharge monitoring records prepared by the permit holder to
1 26 demonstrate compliance with the Iowa national pollutant
1 27 discharge elimination system program permit conditions. A
1 28 copy of all discharge monitoring records shall be placed on
1 29 file at such locations at the same time the records are sent
1 30 to the department. This information shall be kept on file for
1 31 the period during which the permit is effective.
1 32 4. A permit holder shall periodically and reasonably
1 33 maintain the sign to ensure that the sign is still legible,
1 34 visible, and factually correct. A good faith documented
1 35 effort by the permit holder to maintain the sign is an
2 1 affirmative defense in any action relating to the unauthorized
2 2 absence of a sign.
2 3 5. A person violating a provision of this section is
2 4 subject to a civil penalty of not more than one hundred
2 5 dollars per day for each day such violation continues.
2 6 Sec. 2. Section 455B.191, subsection 1, Code 2009, is
2 7 amended to read as follows:
2 8 1. Any person who violates any provision of part 1 of
2 9 division III of this chapter or any permit, rule, standard, or
2 10 order issued under part 1 of division III of this chapter
2 11 shall be subject to a civil penalty not to exceed five
2 12 thousand dollars for each day of such violation. This section
2 13 shall not apply to violations of section 455B.189.

EXPLANATION

2 14 This bill relates to Iowa national pollutant discharge
2 15 elimination system program signage.
2 16 The bill requires a person holding an Iowa national
2 17 pollutant discharge elimination system program permit issued

2 19 by the department of natural resources to post or erect a
2 20 conspicuous and legible sign at all points of discharge to
2 21 surface waters. The bill provides size, content, and location
2 22 requirements for the signage.

2 23 The bill requires a permit holder to provide for public
2 24 review, at the business office repository of the permit holder
2 25 or at an off-premises location of the permit holder's choice,
2 26 all discharge monitoring records prepared by the permit holder
2 27 to demonstrate compliance with the Iowa national pollutant
2 28 discharge elimination system program permit conditions.

2 29 The bill requires that a permit holder shall periodically
2 30 and reasonably maintain the sign to ensure that the sign is
2 31 still legible, visible, and factually correct. The bill
2 32 provides that a good faith documented effort by the permit
2 33 holder to maintain the sign is an affirmative defense in any
2 34 action relating to the unauthorized absence of a sign.

2 35 The bill provides for a civil penalty of not more than \$100
3 1 per day for each day a violation continues. The penalty in
3 2 the bill is in place of the general penalty provisions
3 3 provided in Code section 455B.191.

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